

**REMARKS/ARGUMENTS**

Claims 1-10, 19, 29, 31, 39, 40, 48, 49, 57-59, 61, 64-71, 73, and 76-81 are pending.

Claims 70-81 were rejected under 35 U.S.C. Section 112, second paragraphs, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 58-69 were rejected under 35 U.S.C. Section 101 as not falling within one of the four statutory categories of invention.

Claims 70-81 were rejected under 35 U.S.C. Section 101 because the claimed invention is directed to non-statutory subject matter.

Claims 1, 4-11, 13-20, 23-31, 33-40, 42-49, and 51-81 were rejected under 35 U.S.C. 103(a) as being unpatentable over Funk et al. (US PAP 2003/0065427) in view of Kennewick et al. (US PAP 2004/0193420).

Claims 2, 3, 12, 21, 22, 32, 41, and 50 were rejected under 35 U.S.C. Section 103(a) as being unpatentable over Funk and Kennewick as applied to claims 1, 11, 20, 31, 40, and 49 above, and further in view of Potter (US Patent 5,729,859).

**Clean Copy**

The claims have been amended. For the examiner's convenience, a clean copy of the claims is provided below. The pending independent claims are 1, 58, and 70.

**Section 112 Rejection of Claims 70-81**

The claims have been amended to recite programs that cause a computer to function as the recited "means for" limitations. Accordingly, the Section 112 rejection of the pending claims is believed to be overcome.

**Section 101 Rejection of Claims 58-69**

Claim 58 has been amended to explicitly recite the method "comprising a computer performing:", so that the claimed method steps are clearly tied to a structure, namely

the computer. Claims 59-69 have been amended to be dependent claims, depending from claim 58. The Section 101 rejection is believed to be overcome.

### **Section 103 Rejections**

As amended, the pending independent claims are 1, 58, and 70. An aspect of the claimed invention is that speech recognition is performed on acquired speech data, resulting in a calculated likelihood of a match among candidate words. A subsequent control (process) is determined from among candidate controls stored in a database based on the calculated likelihood and a weighting factor associated with each candidate control. Claim 1 for example recites in part:

A device control device comprising:

...

a database which stores preceding controls, subsequent controls, and weighting factors, each of which is associated with one another; and

process execution means which specifies content of a subsequent control to be performed on an external device to be a control target based on a currently executed control, a weighting factor stored in association with the currently executed control and the content of the uttered speech specified by the specifying means, and performs the subsequent control.

See also similarly amended claims 58 and 70.

The cited references do not show determining a subsequent control based on the likelihood of recognized speech. In fact, as best understood, the cited references do not show “a database which stores preceding controls, subsequent controls, and weighting factors.” The references therefore cannot be fairly construed to even suggest “content of a subsequent control to be performed on an external device to be a control target based on a currently executed control, a weighting factor stored in association with the currently executed control and the content of the uttered speech” as recited in claim 1 and similarly in claims 58 and 70.

Accordingly, the cited references do not anticipate or render obvious the pending independent claims. The dependent claims are believed to be allowable based on the allowability of their respective base claims.

**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. Reconsideration and the issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,

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